

Serial No.: 09/540,825
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(formerly 07072-100001)

REMARKS

Please be advised that patent application Serial No. 09/540,825 filed March 31, 2000, and U. S. Patent No. 6,389,494 issued May 14, 2002 were, at the time the invention of application Serial No. 09/540,825 was made, owned by EMC Corporation.

While Applicant respectfully disagrees with the Examiner's position as set forth in the Office Action mailed January 28, 2003, it had been overlooked that, in view of the foregoing, U. S. Patent No. 6,389,494 is not a reference under the provisions of 35 U. S. C. 103 (c).

See also MPEP section 706.02(1)(2).

In the event any additional fee is required, please charge such amount to Patent and Trademark Office Deposit Account No. 50-0845.

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